REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars:

Examiner interview

Applicant appreciates the courtesy extended to Applicant's representative during the personal interview conducted with the examiner on July 27, 2006. This present response summarizes the substance of the interview, and an agreement reached regarding withdrawal of the rejection of claims in view of Epstein and Vafai.

During the interview, aspects of the present application, and the rejection in view of Epstein and Vafai, were discussed.

It was noted that Epstein teaches a biometric identification mechanism wherein biometric information entered by a user is compared with a previously recorded expression of the biometric information, while Vafai teaches error correction.

Applicant's representative pointed out that, according to Epstein, a mismatch between an entered biometric key and an original biometric key is a valid condition, resulting in denied access. This was pointed out both in a flowchart of Epstein's Fig. 4, and in Epstein's written description, which states that "access will only be granted if the biometric key B matches the original biometric key." (*Epstein*; page 4, para [0032]).

It was agreed that, because denial of access based on a mismatch is a valid and correct result of mismatching biometric information, Epstein provides no teaching or suggestion that such a mismatch is in any way an error or in any way a correctable condition. Accordingly, it was agreed that there is no motivation or suggestion for the combination of Epstein with Vafai, or with any error correcting mechanism, and therefore that the rejection would be withdrawn.

Additionally, the "correction capacity" recited in the claims was discussed and explained in terms of a "tolerance interval" wherein if a number of deviations (between

7

encoded read biometric data and encoded biometric key data) falls within a range of allowable deviations, correction is performed, while if the number of deviations is outside the range (in either direction) the correcting process fails.

Rejection of claims 1-26 under 35 U.S.C. § 103(a)

Claims 1-3, 5-7, and 10-26 presently stand rejected as being unpatentable over Epstein (U.S. 2002/0124176) in view of Vafai et al (U.S. 6,279,133), and claims 4, 8, and 9 are rejected as being unpatentable over Epstein and Vafai and further in view of Camp, Jr. et al (U.S. 6,075,987). These rejections are respectfully traversed for the following reasons.

As discussed, and agreed during the course of the personal interview conducted with the examiner on July 27, 2006, there is no motivation or suggestion to combine Vafai (which teaches an error correction method and apparatus in a multilevel (MLT) memory architecture) with Epstein (which teaches a biometric identification mechanism).

The motivation or suggestion to combine the references is lacking because Epstein teaches that a match and a mismatch between an entered (for authentication) biometric key and the original (recorded during an initialization phase) biometric key are both valid and correct conditions.

There is no teaching or suggestion that a mismatch is a correctable error. There is no teaching or suggestion that any deviation between the original biometric key and an entered (for authentication) biometric key is acceptable or allowed.

On the contrary, any such correction of a mismatching entered biometric key would defeat the purpose of Epstein since invalid entered biometric key data could result in access being incorrectly granted.

Because there is no motivation or suggestion for the combination of Epstein and Vafai as set forth in the recent Office Action, these references fail to form a prima facie basis of obviousness of any of claims 1-26. Accordingly, for at least these reasons, withdrawal of these rejections is respectfully requested.